

**FIFTY-SEVENTH DAY**

(Monday, April 23, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 19, 1951, was dispensed with and the Journal was approved.

**Senate Bill 431 on First Reading**

Senator Bracewell moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Phillips
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hazlewood	Wagonseller
Hudson	Weinert
Kelley of Hidalgo	

**Absent**

Lane  
Moore

Parkhouse  
Russell

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 431, A bill to be entitled "An Act amending Article 7333 of the Revised Civil Statutes of Texas, 1925, so as to provide for the payment of the cost of publishing citations and notices of sheriff's sale in newspapers when the State of Texas or other taxing unit is purchaser at the sale; providing a savings clause and repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

**Senate Bills on First Reading**

By unanimous consent, the following local bills were introduced, read severally the first time, and referred to the committees indicated:

By Senator Bullock:

S. B. No. 432, A bill to be entitled "An Act making it unlawful to catch or take any type of fish from the waters of Lake Colorado City in Mitchell County for the purpose of sale; providing a penalty for violation of this Act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Tynan:

S. B. No. 433, A bill to be entitled "An Act to amend Section 6, Chapter 137, of the Special Laws of Texas of the Regular Session of the Forty-second Legislature, as amended, known as the Bexar County Road and Bridge Law, by authorizing the Commissioners Court of Bexar County within their discretion to fix the salary of the County Engineer; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

**Senate Bill 434 on First Reading**

Senator Tynan moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be sus-

pended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	

Absent

McDonald	Russell
Parkhouse	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Tynan:

S. B. No. 434, A bill to be entitled "An Act making an emergency appropriation to the Texas State Board of Examiners in the Basic Sciences out of its own fund, designated as the Basic Science Examination Fund 220, for operating expenses from April 28, 1951, to August 31, 1951, both dates inclusive; providing for its expenditures under the general provisions of House Bill 103, Regular Session, 51st Legislature; and declaring an emergency."

To Committee on Finance.

#### Senate Bill 435 on First Reading

Senator Colson moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit her introducing at this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Colson
Ashley	Corbin
Bell	Fuller
Bracewell	Hardeman
Bullock	Hazlewood
Carney	Hudson
Carter	Kelley of Hidalgo

Kelly of Tarrant	Phillips
Lane	Russell
Lock	Strauss
Martin	Tynan
McDonald	Vick
Moffett	Wagonseller
Parkhouse	Weinert

Absent

Moore	Shofner
Nokes	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Colson, Lock, Hazlewood, Hudson, Ashley, Aikin, Phillips, Kelley of Hidalgo, Wagonseller, Kelly of Tarrant:

S. B. No. 435, A bill to be entitled "An Act directing the State Treasurer to designate special depository banks for receiving and keeping certain receipts of institutions of higher education of this State; authorizing banks now serving as depositories for institutions of higher learning to be designated as special depository banks; authorizing rules and regulations to require collateral security to protect funds; providing for clearance and collection of the receipts herein enumerated; excepting provisions of Article 2532, Vernon's Texas Civil Statutes; requiring the governing boards of State institutions of higher learning to deposit institutional receipts in the State Treasury within five (5) days of collection; providing for the credit of such funds to each institution in a separate fund account; providing method of withdrawal of funds on warrants; providing a repealing clause and repealing Article 2654d, Vernon's Texas Civil Statutes, in so far as conflict exists; authorizing the creation of revolving funds for the handling of institutional funds; providing date act shall become operative; providing a savings clause; and declaring an emergency."

To Committee on Finance.

#### Senate Resolution 176

Senator Hudson offered the following resolution:

Whereas, On Sunday, April 22, 1951, one Frank Cortese of the Editorial Staff of the Houston Chronicle caused to be placed in said paper on said date an article stating that the Sewell Natural Gas Tax Bill will

die in the Senate on account of the choice of sponsor; and

Whereas, The article states further that the sponsor "has most Senators lined up against him due to his actions during his freshman year"; and

Whereas, The article is an unfair, vicious, and repulsive attack upon a member of this body; and

Whereas, The article is a vicious and deliberate falsehood in so far as it insinuates that the members of this body are in any wise aligned against any member of this body or that the members of this body would vote on personalities rather than on the merits of legislation; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Senate deny and brand as false the article and record its protest against the editorial, and that a copy of this resolution be forwarded to the Managing Editor of the paper to make known the position of this body thereon.

HUDSON  
McDONALD  
MOORE

The resolution was read.

Senator Lane offered the following amendment to the resolution:

Amend Resolution No. 176 by striking out words "the editorial" where it appears and inserting words "such news comment observation."

The amendment was adopted.

The resolution, as amended, was adopted.

#### Senate Resolution 177

Senator Nokes offered the following resolution:

Whereas, We are honored today by having in Austin Mrs. Cecil O. Patterson, wife of the eminent Dallas physician, Dr. Cecil O. Patterson; her daughter, Miss Patricia Patterson, and Miss Sue Smith, all of Dallas; and

Whereas, These charming ladies are visiting the Capitol Building during their stay in the Capital City; now, therefore, be it

Resolved, That these charming ladies be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Senate Bill 339 on Third Reading

Senator Strauss asked unanimous consent to suspend the regular order of business and that S. B. No. 339 be laid out for consideration at this time.

There was objection.

Senator Strauss then moved to suspend the regular order of business and that S. B. No. 339 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Ashley	Kelly of Tarrant
Bell	Lane
Bullock	Lock
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Fuller	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick

Nays—9

Aikin	McDonald
Bracewell	Moffett
Corbin	Nokes
Hardeman	Russell
Martin	

Absent

Wagonseller	Weinert
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The President laid before the Senate on third reading and final passage the following bill:

S. B. No. 339, A bill to be entitled "An Act relating to consumer financing and fixing the charges that may be made in connection therewith; providing for discount; authorizing the issuance and sale of investment certificates; providing for supervision by the Department of Banking; specifying what corporations may qualify; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senator Hardeman, Hudson, Aikin, McDonald, Martin, Bracewell, Hazlewood, Nokes, and Russell asked to be recorded as voting "nay" on the final passage of S. B. No. 339.

#### Senate Bill 285 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 285, A bill to be entitled "An Act to facilitate and encourage the distribution of gas to the inhabitants of cities, towns, villages and rural areas of the State of Texas, etc.; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend S. B. No. 285 by adding a new sentence at the end of Section 1 thereof to read as follows: "Such person, firm or corporation shall replace the grade and surface of such road or highway at its own expense."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

#### Senate Bill 285 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 285 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Martin
Ashley	McDonald
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Shofner
Colson	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Lane	Weinert
Lock	

#### Absent

Bell	Kelly of Tarrant
Corbin	Moffett
Fuller	Phillips
Kelley of Hidalgo	Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 38 with House Amendments

Senator Kelly of Tarrant called S. B. No. 38 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelly of Tarrant moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Kelly of Tarrant, Hardeman, Ashley, Weinert and Martin.

#### Request of House Granted

Senator Moffett moved that the request of the House for a conference committee on H. B. No. 75 be granted.

There was no objection offered.

#### Committee To Escort the Honorable Donald R. Wilson to the Joint Session

The President announced that pursuant to the provisions of S. C. R. No. 38, the appointment of the following committee on the part of the Senate to escort the Honorable Donald R. Wilson and party to the Joint Session:

Senator Kelley of Hidalgo, Phillips, Moffett, Kelly of Tarrant, and Fuller.

#### Senate Bill 405 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 405, A bill to be entitled "An Act approving the regional education compact; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 405 on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 405 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Martin
Ashley	McDonald
Bell	Moore
Bracewell	Nokes
Bullock	Parkhouse
Carter	Russell
Colson	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Lane	Wagonseller
Lock	Weinert

**Absent**

Carney	Kelly of Tarrant
Corbin	Moffett
Fuller	Phillips
Kelley of Hidalgo	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Martin
Ashley	McDonald
Bell	Moore
Bracewell	Nokes
Bullock	Parkhouse
Carter	Russell
Colson	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Lane	Wagonseller
Lock	Weinert

**Absent**

Carney	Kelly of Tarrant
Corbin	Moffett
Fuller	Phillips
Kelley of Hidalgo	

**Senate Bill 427 on Second Reading**

On motion of Senator Hardeman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 427, A bill to be entitled "An Act repealing Senate Bill No. 230, Chapter 573, Acts of the Fifty-first Legislature, Regular Session, 1949 (Article 2815-2, Vernon's Civil Statutes); and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 427 on Third Reading**

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 427 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Nokes
Bullock	Parkhouse
Carney	Russell
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Hardeman	Vick
Hudson	Wagonseller
Kelly of Tarrant	Weinert
Lane	

**Absent**

Corbin	Moffett
Hazlewood	Moore
Kelley of Hidalgo	Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Russell
Colson	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelly of Tarrant	Weinert

**Absent**

Corbin	Kelley of Hidalgo
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McDonald  
Moffett

Phillips

### Joint Session

(To hear an address by Donald R. Wilson, Chairman of the American Legion Foreign Relations Commission.)

The President announced that the hour fixed by the concurrent action of the two Houses to meet in joint session had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:30 o'clock a. m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President called the Senate to order, and announced a quorum of the Senate present.

Hon. Reuben Senterfitt, Speaker of the House, called the House to order, announced the purpose of the joint session and requested the members of the House to register.

A quorum of the House was announced present.

The Honorable Donald R. Wilson, accompanied by the Honorable Allan Shivers, Governor of the State of Texas; Mr. Bill Elkins, State Commander of the American Legion; G. Ward Moody, Department Adjutant of the American Legion; Mr. Shag Floore, of the American Legion; and the Honorable John Ben Shepperd, Secretary of State; were announced at the bar of the House. The distinguished guests were escorted to the Speaker's rostrum by Senators Kelley of Hidalgo, Phillips, Moffett, Kelly of Tarrant and Fuller on the part of the Senate and Representatives Kazen, Cheatham, Briggs, Cobb, and Carr, on the part of the House.

The Honorable Reuben Senterfitt introduced Mr. Bill Elkins, State Commander of the American Legion, and Mr. Elkins presented the Honorable Donald R. Wilson to the joint session.

The Honorable Donald R. Wilson,

Chairman of the American Legion's Foreign Relations Commission, then addressed the joint session.

At the conclusion of the address, the President announced the purpose of the joint session concluded and requested the Senate to retire to its chamber.

### In Legislative Session

The President called the Senate to order as in Legislative Session at 12:07 o'clock p. m.

### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 3, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas relating to compensation of members of the Legislature; providing for the submission of the proposed amendment to a vote of the people; and providing for the effective date of the amendment if ratified.

S. C. R. No. 48, Inviting Gen. Douglas MacArthur to address joint session of Legislature.

S. C. R. No. 49, Resolution in memory of W. Steve Cooke.

S. C. R. No. 42, In memory of Hon. J. Thomas Davis.

S. C. R. No. 26, Granting Dr. J. L. Fenlaw of Gilmer, Upshur County, Texas, permission to sue the State.

S. C. R. No. 33, Proposing that the Texas Legislative Council be requested to study the problems of urban local government units.

S. B. No. 426, A bill to be entitled "An Act making an appropriation to pay the contingent expenses, and to pay mileage and per diem of members, officers and employees of the 52nd Legislature, and to pay any unpaid accounts or expenses of the 51st Legislature.

H. B. No. 712, A bill to be entitled "An Act making it unlawful to trans-

port minnows of any and all species outside of the counties wherein such minnows are caught, seined or taken, with certain exceptions; provided that this Act shall only apply to persons, firms, or corporations transporting minnows caught, seined, or taken from the waters of the Counties of King and Knox; providing prima-facie evidence as to possession; repealing all laws and parts of laws in conflict herewith; providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act amending Article 3 of Chapter 9 of House Bill No. 79, Chapter 97, Acts 48th Legislature, Regular Session, so as to provide that a state, national or private bank may establish an office or offices at places other than at the locality of its main banking house for the purpose of receiving deposits and paying checks in certain localities; providing restrictions; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act to equalize and establish the salaries of all Judges of Special Probate Courts, County Courts at Law and County Criminal Courts, irrespective of slight variations in the names of such courts, in all counties having a population of Eight Hundred Thousand or more, according to the last preceding Federal census, and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act applicable to any city which owns a portion of a bridge over the Rio Grande which is situated within the United States of America purchased with the proceeds of bonds payable from the net revenues from the operation of such bridge and which has issued refunding bonds payable from such net revenues and reserving in the city the right to issue additional bonds payable from the same source and secured by the same revenues; providing that any such city is authorized to issue bonds to the extent and under conditions provided in the trust indenture securing its outstanding refunding bonds which additional bonds shall be payable from the same source, secured by the same revenues, and in the same manner, and shall be on a parity in all respects with said issue of refunding bonds; providing that such bonds may be issued for the purpose of repairing or improv-

ing the bridge, acquiring approaches thereto, and constructing buildings to be used in connection therewith, or for any of such purposes; providing the method for the issuance of such bonds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act validating certain charter amendment election proceeding of home rule cities; and declaring an emergency."

H. B. 721, Providing for a more efficient Texas State Guard Reserve Corps.

H. B. 740, Authorizing Commissioner of General Land Office to sell to R. C. Ivey School certain land in Hudspeth County at the price of \$7.25 per acre.

H. B. No. 651, A bill to be entitled "An Act amending Section 1 of House Bill 377, Chapter 357, Acts of the Forty-ninth Legislature, Regular Session, 1945, so as to provide that honorably discharged soldiers, sailors, marines, members of the Air Force and Coast Guard of the United States, nurses in military service of the United States, and all women in military service of the United States in the different auxiliaries who served on active duty after June 24, 1950, the beginning of the war in Korea, and wives and orphans of such honorably discharged personnel of the Armed Forces of the United States, shall be entitled to preference in appointment or employment over other applicants for the same position having no higher qualifications; and declaring an emergency."

H. B. No. 655, A bill to be entitled "An Act amending Article 7096 of the Revised Civil Statutes of Texas, 1925; providing that such act shall be cumulative and declaring an emergency."

H. B. No. 672, A bill to be entitled "An Act requiring all State officials or officers, or officers or officials of any political subdivision of this State and all other persons charged with the duty of issuing copies of birth certificates and duplicate copies of birth certificates to make certain corrections upon application of the offended party; repealing all laws in conflict herewith to the extent of such conflict and declaring an emergency."

H. B. No. 683, Providing that streets on the boundary of any city may be improved by such city whether lying wholly or partially within the city limits.

H. B. No. 693, A bill to be entitled "An Act authorizing the Commissioners Courts of counties having a population of not less than twenty-four thousand four hundred forty-one (24,441), nor more than twenty-five thousand one hundred eleven (25,111) inhabitants, according to the last preceding Federal census, in which counties the Commissioners Courts have authorized county officials to be compensated on a salary basis, to fix the salaries to be paid to county officials, their deputies, clerks and assistants, providing for a monthly expense allowance for County Commissioners; repealing all laws in conflict; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act amending Section 1a of Article 2350, Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the payment of actual traveling expenses of county commissioners in counties of 26,600 to 26,700, while traveling inside or outside of the county on official business, provided that the traveling expenses of any county commissioner shall never exceed Eight Hundred (\$800.00) Dollars in any one year; repealing all laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 696, A bill to be entitled "An Act making it lawful to sell rough fish, including shad, carp, suckers, gar, buffalo, mullet and needlefish, taken from the fresh waters of Travis County except the waters of the Colorado River Lakes; and declaring an emergency."

H. B. No. 700, A bill to be entitled "An Act amending subdivision 8 of Article 4331 of the Revised Civil Statutes of Texas, 1925, so as to provide that the Secretary of State shall distribute to the Governor and heads of departments, and to each member of the Legislature, a copy of the printed journals of both houses; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act amending Section 4, S. B. 231, Acts 1949, 51st Legislature, Regular Session, Chapter 255, page

471, fixing the fee for a Lake Texhoma Fishing License and for a Lake Texhoma Ten-day Fishing License, repealing all laws or parts of laws in conflict, and declaring an emergency."

H. B. No. 707, A bill to be entitled "An Act authorizing the official court reporter of the Seventieth (70th) Judicial District, composed of the counties of Midland and Ector, to appoint a deputy court reporter for the Seventieth (70th) Judicial District; prescribing the duties of the deputy court reporter; providing that no money shall be expended by the counties comprising the Seventieth (70th) Judicial District or the State of Texas for the salary or other expense of such deputy court reporter; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 708, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Eastland County, Texas, and to conform the jurisdiction of the District Court of such County to such change; to preserve the jurisdiction and power of the County Court, etc.; and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act amending Senate Bill No. 465, Chapter 182, page 455, Laws of the Regular Session (1935) of the 44th Legislature, also known and codified as Article 2790e of the Revised Civil Statutes of Texas, providing that said Art. 2790e shall not apply to counties having more than 450,000 and less than 550,000 population according to the last preceding Federal census, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act creating a Court of Domestic Relations in and for Lubbock County, Texas."

H. B. No. 599, A bill to be entitled "An Act which requires filing fee and annual statement of perpetual care cemeteries be filed with State Banking Commissioner, etc.; and declaring an emergency."

H. B. No. 610, A bill to be entitled "An Act providing an increase in the pay of judges and clerks of general and special elections in all counties of this State having a population of more than one hundred ninety-eight thousand (198,000) inhabitants, and



less than four hundred thousand (400,000) inhabitants, according to the last preceding Federal census; and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act providing that in all counties having a population of three hundred and fifty thousand (350,000) inhabitants or more, according to the last preceding Federal census, the commissioners' court may contract with any incorporated volunteer fire department located outside the limits of any incorporated city or town in said county for the use of fire fighting equipment and service of the incorporated volunteer fire department for the purpose of fighting fires outside the limits of any incorporated city or town within the county upon terms and conditions mutually agreed upon; providing that the commissioners' court shall pay for such services out of the general fund of the county; repealing all laws in conflict herewith, etc.; and declaring an emergency."

H. B. No. 612, A bill to be entitled "An Act validating orders by county judges declaring the inhabitants of certain cities setting forth the boundaries, thereof, etc.; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act to empower all incorporated cities and towns, including all home rule cities, having a population exceeding 125,000 according to the last preceding Federal census, to build and purchase and to encumber municipal auditoriums, exhibition halls, coliseums, and other buildings or structures for public gatherings, and to encumber the incomes thereof and everything pertaining thereto, or any part thereof; prescribing the purposes for which such powers may be exercised, limiting the manner and effect of their exercise; prohibiting the encumbrance of municipal auditoriums, exhibition halls, coliseums, and other buildings or structures for public gatherings for more than Five Thousand Dollars (\$5,000.00) except for purchase money or to refund an existing indebtedness, except when authorized by a majority vote of the qualified voters of such city or town, and prohibiting the sale thereof except upon like authority; requiring the keeping of certain records of operations, incomes, expenses, maintenance and other charges by certain officers of such cities and towns, prescribing penalties for violation of

these requirements, and permitting taxpayers and holders of indebtedness residing within the city or town to bring civil action in District Court to enforce provisions of this law; providing that every contract, bond, note, or other evidence of indebtedness issued or included under this law shall contain a clause that the holder shall never have the right to demand payment out of any funds raised or to be raised by taxation, and providing for approval of bonds by the Attorney General and registration with the State Comptroller; declaring that projects financed under this law shall be self-liquidating and supported by charge other than taxation; repealing all laws or parts of laws in conflict herewith, and providing that this law shall take precedence over all conflicting city charter provisions; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Sections 1 and 2 of Article 5798a-2 of the Revised Civil Statutes of Texas, pertaining to the salaries of Veterans County Service Officer and Assistant Veterans County Service Officer; providing for the qualifications of such County Service Officer and Assistant County Service Officer; repealing all general laws in conflict herewith; and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act amending Chapter 352, Acts, Regular Session, 50th Legislature, page 697, by adding a new section to be known as Section 9a, providing that any retired employee as a member of any group insurance may have his premiums paid by authorizing in writing that same be deducted from his retirement allowances; and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act to amend Title 82, Article 5139 (E), Revised Civil Statutes of Texas, 1925, establishing and constituting a juvenile board in certain counties to be composed of the County Judge and District Judges; designating a chairman and administrative officer therefor and providing an official name therefor; providing that such Board shall be established and constituted in each county having therein two (2) district courts wherein one of said judicial districts includes two counties; and in which such one-county judicial district there is located a city with a population of more than

24,000 according to the last preceding federal census; providing compensation for members of Juvenile Board to be paid in equal monthly installments out of county general fund; providing that this Act shall be construed as cumulative with Article 5139, Revised Civil Statutes of Texas, 1925, as amended, and repealing all laws or parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

H. B. No. 487, A bill to be entitled "An Act to establish the Probate Court of Dallas County; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Dallas County; and providing for the transfer of matters and proceedings from the County Court of Dallas County to said Probate Court of Dallas County, declaring the validity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; providing for the practice and procedure in said Court and for the terms of said Court and the election, qualification and appointment of a Judge thereof, and the execution of a bond and oath of office, the filling of vacancies on said Court, and the election or appointment of a Special Judge; providing for a Clerk of said Court and for the duties of said Clerk, and the duties of the Sheriff as to such Court; providing a seal for said Court; establishing the fees and compensation to be paid the Judge thereof, and providing for the payment of such compensation; conferring upon the County Judge the power and authority to transfer matters and proceedings from the County Court of Dallas County to said Probate Court, and conferring upon the County Judge the power to sit and act as the Judge of said Court in certain cases; providing for conflict or unconstitutionality in said Act; and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act providing that all funds on hand on September 1, 1951, derived from State taxes heretofore donated and granted to Lavaca County Flood Control District shall be retained by said District to be used for flood control purposes in said District; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act amending Article I of the Texas Liquor Control Act, as amended, by providing that it shall not be unlawful for the holder of any brewer's, distiller's, winery, manufacturer's or nonresident seller's permit to enter into a contract for the sale, purchase and delivery of liquor over an agreed period of time, if such contract is approved by the Texas Liquor Control Board or the Administrator thereof; and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act providing for the transfer to the State Department of Public Welfare the control and management of the Waco State Home, Waco, Texas; providing for the transfer of personnel of the institution and authorizing the employment of such other personnel as is required; transferring personal property from the Board for Texas State Hospitals and Special Schools to the State Department of Public Welfare; providing for a training program for the children in the institution; providing for an appropriation for administrative and contingent expenses for the remainder of the fiscal year ending August 31, 1951; transferring all allocations and appropriations for and on behalf of the institution to the State Department of Public Welfare; providing for the State Department of Public Welfare to share in the 'State Hospital Fund' for the benefit of the Waco State Home; providing for negotiation of contracts with the United States Government; providing an effective date of the transfer; providing a repealing clause, a savings clause, and declaring an emergency."

H. B. No. 546, A bill to be entitled "An Act to amend Articles 5439a and 5441a as added by Chapter 403, General and Special Laws, Fiftieth Legislature, Regular Session, 1947, by substituting therefor in their entirety two new Articles; amending Article 5439a to require adequate records administration by the various departments and institutions; to provide controls over the disposal of records; to facilitate transfer of valuable records to the State Archives; to effect economies in the handling of records; to allow photographic reproduction of records according to certain standards; and to provide

the admissibility in evidence of such photographic reproductions or copies thereof; defining terms and fixing penalties; to amend Article 5441a to stipulate the duties of the Texas Library and Historical Commission in records administration; fixing penalties; declaring provisions of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act amending Articles 7080, 7081, and 7082 of Vernon's Revised Civil Statutes of Texas; providing for the issuance of a Gross Receipts Tax Permit by the State Comptroller, in lieu of the present law charging the Office of Secretary of State with such duty; and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act providing that no County having a population of not less than twenty-five thousand two hundred (25,200), nor more than twenty-five thousand five hundred (25,500), and no County having a population of not less than eight thousand nine hundred sixty (8,960), nor more than eight thousand nine hundred ninety (8,990), all according to the preliminary census of 1950 issued by the United States Department of Commerce, September 14, 1950, shall have a County Auditor; abolishing the office of County Auditor in such Counties; and declaring an emergency."

H. B. No. 576, A bill to be entitled "An Act repealing House Bill No. 575, Acts Forty-second Legislature, Regular Session, 1931, Chapter 279, page 500; and declaring an emergency."

H. B. No. 579, A bill to be entitled "An Act authorizing fresh water supply districts heretofore or hereafter created under the provisions of Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, as amended, to issue revenue and combination tax and revenue bonds for the purpose of constructing, purchasing, repairing, improving and extending improvements; providing for an election as a prerequisite to the issuance of the bonds; prescribing the procedure for pledging the net revenues and the levying of a tax to pay such bonds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act creating two additional district courts in Harris County, Texas, to be known as the 125th and 131st District Courts; adjusting the business of the existing district courts to the business thereof; providing for the election of district judges therefor; amending so much of Article 199, of the Revised Civil Statutes of Texas, as relates to the District Courts of Harris County, Texas, as amended by Acts, 1927, Fortieth Legislature, page 135, Chapter 88, Section 1, and by Acts, 1930, Forty-first Legislature, Fifth Called Session, page 131, Chapter 14, and by Acts, 1939, Forty-sixth Legislature, Regular Session, page 184, Chapter 15; and by Acts, 1947, Fiftieth Legislature, Regular Session, page 528, Chapter 308, and by Acts, 1949, Fifty-first Legislature, Regular Session, page 1354, Chapter 616; repealing all laws in conflict herewith to the extent of such conflict only; providing a cumulative and repealing clause; and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act providing for the fixing of compensation of judges of District Courts in Counties in this State which comprise a part of a Judicial District consisting of not less than five counties, of which two of said counties have two or more District Courts; providing the manner of payment; establishing a limitation of the amount of such compensation; providing for validity of remaining portion of Act if any part declared unconstitutional; and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act authorizing the Sabine River Authority to compact with the State of Louisiana regarding the Sabine River Watershed; appropriating \$4,607; providing for ratification; and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act to repeal Senate Bill 46, Acts 43rd Legislature, first called session, 1933, Chapter 37, as amended; House Bill 13, Acts 43rd Legislature, second Called Session, 1934, Chapter 15, as amended; House Bill 1, Acts 43rd Legislature, Third Called Session, 1934, Chapter 34, as amended; Senate Bill 90, Acts 44th Legislature, Regular Session 1935, Chapter 30; Senate Bill 25, Acts 46th Legislature, Regular Session, 1939; Title: Pensions,

Chapter 2; concerning Texas Relief Bonds, etc.; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act repealing Acts concerning an Auditor and a Board to select the Auditor of the Prison System, etc.; and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act fixing a closed season on prairie chickens, etc.; and declaring an emergency."

H. B. No. 440, A bill to be entitled "An Act amending Article 7151, Chapter 6, Title 122, of the Revised Civil Statutes of Texas, 1925, to provide for the proration of taxes to the owner of property for the portion of the year prior to condemnation by any body politic or governmental agency in whose ownership the property is exempt from taxes; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act amending Subdivision 24 of Article 7047 of the Revised Civil Statutes of Texas, 1929, as amended, levying an occupation tax on operators of circus shows and exhibitions so as to exempt from the tax any show, circus or exhibition operated solely and exclusively for charitable, benevolent, religious or education purposes; and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act amending Chapter 111, Acts 1933, 43rd Legislature, 1st Called Session, to define certain words used therein; providing for approval of bonds by the Attorney General and registration by the Comptroller of Public Accounts; making bonds eligible for purchase by certain insurance companies; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act to amend Sections 5 and 7 Acts 1947, Fiftieth Legislature, Chapter 181, to provide for the appointment, election and term of office for seven trustees for County-wide Independent School Districts; and declaring an emergency."

H. B. No. 485, A bill to be entitled "An Act to amend Chapter 103, Acts 1929, 41st Legislature, First Called Session, page 246, by the addition thereto of a new section to said chapter to be known as Section 3a, providing a method of annexing ter-

ritory consisting of a whole county by Navigation Districts comprising the whole of a single county and created under authority of Article 16, Section 59 of the Constitution or converted under Chapter 103, Acts 1929, 41st Legislature, First Called Session, page 246; providing for the Navigation Board and for the appointment of Navigation and Canal Commissioners of Navigation Districts consisting of the whole of two counties when the whole of the second county is annexed under the provisions hereof; providing for the continuance of the control of Navigation Districts after annexation of a whole county by the laws applicable at the time of annexation; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to amend Section 1 of Chapter 558, H. B. 1082, of the 47th Legislature, enacted in its R. S.; providing for a severability clause; and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act defining qualifications of the superintendents of the Texas School for the Blind and the Texas School for the Deaf; and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act authorizing the Oil and Gas Division of the Railroad Commission of Texas to plug improperly capped oil wells now flowing salt water into the Frio River from State Lease No. MF 8214 in McMullen County; providing an emergency appropriation therefor; and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act amending Article 63 of the Penal Code of the State of Texas, 1925, so as to provide that any person who shall have been three times convicted of a felony less than capital under the laws of this State, any other state or of the United States shall on such third conviction under the laws of this State be imprisoned for life in the penitentiary; and declaring an emergency."

H. B. No. 369, A bill to be entitled "An Act amending Article 64 of the Penal Code of the State of Texas, 1925, so as to provide that any person convicted a second time of any offense under the laws of this State, any other state or of the United States to which the penalty of death

is affixed as an alternate punishment shall not receive on such second conviction under the laws of this State a less punishment than imprisonment for life in the penitentiary; and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act amending Senate Bill No. 181, Acts of the Regular Session of the Fifty-first Legislature, providing for the better care, maintenance and treatment of the aged senile in both the State Hospitals and the Austin State School; authorizing the Board for Texas State Hospitals and Special Schools to transfer and maintain at said institution, as a senile custodial institution, any aged senile person now or hereafter committed and/or admitted to a State Hospital or the Austin State School; providing for the furlough or discharge of such persons; authorizing the Board for Texas State Hospitals and Special Schools to continue the operations of a school for the feeble-minded at said institution as such is now being operated; authorizing the Board for Texas State Hospitals and Special Schools to establish senile divisions within the State Mental Hospitals for the care of the aged senile, and further authorizing the Board for Texas State Hospitals and Special Schools, to transfer to such divisions any aged senile, feeble-minded person now or hereafter committed or admitted to the Austin State School; and declaring an emergency."

H. B. No. 383, A bill to be entitled "An Act requiring building permits in counties having a population in excess of seven hundred thousand (700,000), according to the last preceding Federal census, for the building, erection or construction of any building, pipeline or other structure or improvements to any existing structure and for the moving of buildings; excluding buildings or structures located within the corporate limits of any incorporated city or town from the provisions of this Act; providing for the issuance of permits by the tax collector; providing a fee for permits; making the violation of this Act a misdemeanor and fixing penalties; and declaring an emergency."

H. B. No. 173, A bill to be entitled "An Act providing that a person may name beneficiaries or assignees of his choice with respect to existing

and future policies of life insurance on his life, which designated beneficiaries or assignees shall have an insurable interest in the life of such insured; providing certain exceptions; providing that if the insured joins in the application, employers shall have an insurable interest in the life of their employees, that employees shall have an insurable interest in the life of their employers, and that stockholders of a close corporation shall have an insurable interest in the life of other stockholders; providing that the provisions are cumulative of existing law, for partial invalidity hereof; and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, Acts of the Forty-eighth Legislature, 1943, Chapter 204, page 313, as amended by House Bill No. 93, Acts of the Fifty-first Legislature, 1949, Chapter 368, page 702, by providing that in counties having only one (1) district court and having a juvenile board, such board shall designate the county or district court of such county as the juvenile court for said county, and in all other counties having only one, etc.; and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act amending House Bill 77, Chapter 467, Acts of the Forty-fourth Legislature, Second Called Session, 1935, as amended, being the Texas Liquor Control Act codified as Articles 666 and 667 of the Penal Code of the State of Texas, by amending Section 15 of Article I of said article so as to authorize holders of Wine Only Package Store Permits to purchase, sell, store and transfer ale under the same circumstances that such holders are now authorized to purchase, sell, store and transfer wine and vinous liquors; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act to amend Sections 5 and 12, Acts 1937, 45th Legislature, page 893, Chapter 436, as amended by Acts 1939, 46th Legislature, page 433, H. B. 419, prescribing inspection fees and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act amending House Bill No. 312, Chapter 351, Acts of the Forty-ninth Legislature, Regular Session, 1945, relating to the assessment and

collection of taxes in municipalities and districts, amending Sections 1 and 2 thereof so that any incorporated city, town or village, independent school district, drainage district, water control and improvement district, water improvement district, navigation district, road district, or any other municipality or district, a majority of whose territory is located within the boundaries of another municipality or district, may avail itself of the services of the Tax Assessor and Collector and Board of Equalization of such other municipality or district in which it is located and providing for the compensation of such officers and Board for said services and other provisions relating thereto; and by adding a new section to said House Bill No. 312, Chapter 351, to be known as Section 2a, validating all ordinances or resolutions heretofore adopted by any such municipality or district, a majority of whose territory is located within the boundaries of another municipality or district, authorizing said officers and Board of such other municipality to act for said municipality or district so availing itself of their services and validating assessment and collection of taxes by such officers for said municipality or district had heretofore; and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act amending Article 7298 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that no delinquent taxpayer may plead or rely on any Statute of Limitation by way of defense against the payment of taxes due the State, or any county, city, town, Navigation District, Drainage District, Road District, Levee Improvement District, Reclamation District, Irrigation District, Water Improvement District, Water Control and Improvement District, Water Control and Preservation District, Fresh Water Supply District, School District or other taxing authority; and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act amending paragraph (d) of Article 7047a-2, Revised Civil Statutes of Texas, 1925, Paragraph (d) of Acts, Forty-fourth Legislature, Third Called Session, 1936, Chapter 495, page 2040, Article 3, relating to merchandise or music coin-operated

machines so as to include therein coin-operated midget movies; and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act amending Article 7335a of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 7335b, allowing cities and towns of this State to enter into contracts with an attorney of this State for the collection of delinquent taxes, and to receive the same compensation as now allowed attorneys under contract for such purposes with the State and county; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act regulating fishing in the waters of the Laguna Madre lying within Cameron County, Texas; providing that it shall be unlawful for any person to place, set, drag, use, or have in his possession, in or on any of said waters any seine, net, trawl, trap, or other device for the purpose of catching fish or shrimp, other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, set line, or gig and light for taking flounders; providing that it shall not be unlawful to use in said waters, for the purpose of catching bait, a cast net, minnow seine, or bait shrimp trawl; providing it shall not be unlawful to have in possession a seine, net, trawl, trap, or other device prohibited from being used in said waters for the purpose of catching fish or shrimp, when same is on board a vessel when such vessel is at port or in a channel in said waters while en route to or from the Gulf of Mexico or other waters where it is lawful to use the same; providing for the seizure and destruction of any seine, net, trawl, trap, or other device found in said waters in violation of this Act; fixing a penalty for the violation of any provision of this Act; providing a saving clause; repealing House Bill No. 787, Acts 1949, Regular Session of the 51st Legislature, Chapter 302, page 549; repealing Articles 941, 942, 943, 944, 945, 947, 950, 952L-4, 952L-10, 952L-11, and 934b-2 of the Penal Code, in so far as they apply to the waters of the Laguna Madre lying within Cameron County, Texas; repealing all other laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act amending Sections 3, 6, and 7 of Senate Bill 54, Chapter 38, Acts of the Forty-ninth Legislature, Regular Session, 1945, and amending said Senate Bill 54 by adding thereto a new section to be known as Section 6a, providing for vacations and minimum hours of work of firemen and policemen in certain cities; providing for exchange of hours; and declaring an emergency."

H. C. R. No. 68, Honoring Judge C. V. Terrell on his ninetieth birthday.

H. C. R. No. 67, Suspending Joint Rules of both Houses in order to consider Senate Bill No. 12.

H. C. R. No. 54, In memory of the Honorable Walter Chatham, mayor of Bellville, Texas.

H. C. R. No. 45, Granting Walter Powell permission to sue the State.

The House has concurred in Senate amendments to House Bill No. 71 by vote of 124 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 150 by vote of 117 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 223 by vote of 50 yeas, 16 nays.

H. B. No. 314, A bill to be entitled "An Act amending Section 27 (b) of House Bill 34, Chapter 325, Acts of the Fiftieth Legislature, Regular Session, 1947, relating to petitions for elections to remove cities from the provisions of the Firemen's and Policemen's Civil Service Law; providing that an election may be held in any city in which the provisions of the Firemen's and Policemen's Civil Service Law have been in effect for a period of two (2) years; and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act authorizing the commissioners' court in a county with a population in excess of one hundred ninety thousand (190,000) inhabitants according to the last preceding Federal census and in which there is only one incorporated city of over ten thousand (10,000) inhabitants, to create Planning Districts outside of incorporated cities or towns for the purpose of regulating zoning platting, subdivisions and

public health; providing regulatory measures and methods of creating such districts; providing for an election and a penalty for the violation of the rules of the commissioners' court; and declaring an emergency."

H. B. No. 376, A bill to be entitled "An Act providing for the more efficient care of epileptic patients at the Abilene Hospital, etc.; and declaring an emergency."

H. B. No. 384, A bill to be entitled "An Act amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended (Acts 1893, p. 4, as amended by Acts 1911, p. 52, and Acts 1921, p. 99, and as further amended by Acts of the Forty-second Legislature, 1931, Chapter 8, Paragraph 1, page 9) by removing from the enumeration of legal holidays the phrase 'and all days appointed by the President of the United States or by the Governor, as days of fasting and thanksgiving' and adding to the enumeration the phrase 'the last Thursday in November,' and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act providing for the fixing of compensation of Judges of District Courts, Civil and Criminal, in counties having not less than four (4) Civil District Courts and two (2) Criminal District Courts and having a population of not less than two hundred twenty-five thousand (225,000) inhabitants and not more than three hundred ninety thousand (390,000) inhabitants according to the last preceding or any future Federal census, general or special; providing the manner of payment thereof; providing that Article 5139, Revised Civil Statutes of Texas of 1925 (as amended by the Acts of 1945, Chapter 268, page 422, Regular Session Laws of the Forty-ninth Legislature) of Article 5142-a, Section 1-a, Revised Civil Statutes (same being Section 1-a of the Acts of 1935, Forty-fourth Legislature, Regular Session, Chapter 156, page 401) or Article 6819a-3, Revised Civil Statutes, (same being Chapter 200, page 271 of the Acts of 1945, Forty-ninth Legislature, Regular Session) shall not be repealed; prohibiting, however, the payment of salaries under said three Articles for any month where the salaries herein provided are paid; providing for validity of remaining portion of Act, if any part declared unconstitutional; and declaring an emergency."

H. B. No. 453, A bill to be entitled "An Act amending House Bill 180, Chapter 96, Acts of the Forty-first Legislature, First Called Session, 1929, relating to and providing for the destruction of certain predatory animals and rodent pests; transferring certain functions from the Livestock Sanitary Commission to the Director of Extension of the Agricultural and Mechanical College System of Texas; transferring appropriations made to the Livestock Sanitary Commission by the Fifty-second Legislature for predatory animal control work to the Agricultural and Mechanical College System of Texas, providing a saving clause; and declaring an emergency."

H. B. No. 479, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to accept, approve and file corrected field notes to any survey of land in the State of Texas, where said corrected field notes are made by a duly authorized official land surveyor and based upon possession and acquiescence for twenty-five (25) years; authorizing the present owners of said surveys to purchase excess acreage revealed by said corrected field notes at a price to be set by the School Land Board; providing that said resurveys shall not shift the lines of any survey where the lines of said surveys have been fixed by a court decree or by contract in writing between the parties; providing that deeds of acquittance may be issued on said resurveys made in accordance with this Act; providing that all deeds of acquittance so issued shall inure to the benefit of all holders of a portion of a survey, and that said deeds of acquittance shall not disturb the divisional or partitioning lines of surveys where said surveys are divided into smaller tracts and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act amending Sections 2, 3, 4, 6, 7, 8, 9, 12, 13 and 14 of House Bill No. 250, Chapter 426, Acts of the Fifty-first Legislature, Regular Session, 1949, creating a Court of Domestic Relations for Potter County, Texas; fixing its jurisdiction; conforming the jurisdiction of other courts thereto; providing the manner of selection, tenure and compensation of the judge and other officers of said court; providing the manner of and grounds for removal of the judge and clerk of said court; providing the pro-

cedure of said court; providing for the services of certain county and district officers to said court; providing a savings clause; and declaring an emergency."

H. B. No. 490, A bill to be entitled "An Act to establish a system of public roads and bridges for all counties in this State having a population of more than one hundred ninety-eight thousand (198,000) inhabitants, and less than four hundred thousand (400,000) inhabitants according to the last preceding Federal census, and wherein is situated an incorporated city having a population in excess of two hundred fifty thousand (250,000) inhabitants according to the last preceding Federal census, and to empower the Commissioners Courts thereof, to provide rules and regulations therefor; providing for the appointment of a County Engineer by the Commissioners Court, and fixing a maximum salary therefor, and providing also for such Engineer's Bond; providing for the classification of roads and the keeping of records thereof; providing for certain duties for the County Engineer; providing for convict camps; providing for County Engineer to employ necessary help; providing for its adoption; providing for the approval by commissioners court of plats of subdivisions and additions dedicating roads and streets and providing for standard construction of streets and drainage structures; providing for the County Auditor to compute the pay for all employees; providing for employment of counsel and giving the Court power of eminent domain; providing for abolishing of road tax by labor; providing for a second-class road and bridge fund; providing penalty for excess of road and bridge taxes in excess of maximum rate fixed by law; requiring County convicts to work on public roads; authorizing and regulating the issuance and sale of bonds under this Act, and for the levy of taxes for such purpose, and to regulate the expenditure arising from the sale of such bonds and purchase of tools and machinery out of the second-class road and bridge fund; providing for the transfer of certain funds; prohibiting any member of the Commissioners Court or County Officer from being financially interested in a contract for road work or materials therefor; and providing a penalty therefor, and making dispo-



sition of any such fines; defining roads and highways; providing for salary of the Commissioners for the performance of their duties under the terms of this Act; repealing all laws or parts of laws in conflict with the provisions thereof; providing for issuance of bonds for construction of permanent roads and bridges and submission of the question to the property owning qualified voters of the County; making this Act a public Act; providing this Act shall be cumulative of all general laws on this subject; but where conflicting this Act shall control in said County; providing a savings clause; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 185 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

La Font, McIlhany, Wilkinson, Williams, Sadler.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Report of Standing Committee

By unanimous consent, Senator Carney submitted the following report:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 432, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

#### Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. C. R. No. 51, Providing for a Joint Session to hear the address of General Douglas MacArthur to the National Congress.

S. B. No. 279, A bill to be entitled "An Act providing that Hidalgo

County, Texas, may deposit with the State Treasurer an amount sufficient to pay, and for the purpose of paying, all of its water improvement bonds together with the interest thereon to the date when they become due or optional for prior payment and the contract premium, if any; making it unnecessary for Hidalgo County, Texas, to collect the State ad valorem tax in any year in which it has sufficient revenue on hand to pay the installments on its outstanding water improvement bonds together with the interest thereon for such year; etc., and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act making it unlawful to take or possess any alligator or alligators in any portion of Marion County; etc., and declaring an emergency."

S. B. No. 202, A bill to be entitled "An Act relating to the revocation and cancellation of the authority to issue bonds of counties and incorporated cities or towns; authorizing the commissioners' court of any county and the governing body of any incorporated city or town to order elections for the revocation or cancellation of their authority to issue bonds theretofore voted but not sold and delivered, etc.; and declaring an emergency."

S. B. No. 233, A bill to be entitled "An Act regulating the use of trotlines for taking fish from the waters of Mitchell County; prohibiting the use of trotlines with more than twenty-five (25) hooks; requiring trotlines to be marked with a metal identification tag bearing the owner's name and address; prescribing penalties for violation of this Act; and declaring an emergency."

S. B. No. 251, A bill to be entitled "An Act regulating the taking and killing of squirrels in Lavaca County; providing an open season for the taking or killing of squirrels; limiting the number of squirrels that may be taken in any one day and limiting the number of squirrels that any person may have in possession at any time; fixing penalties for the violation of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 186, A bill to be entitled "An Act making it unlawful to kill, take, trap or destroy coypu (nutria) in the waters of Caddo Lake and its

tributaries in Harrison and Marion Counties; providing a penalty; and declaring an emergency."

S. B. No. 324, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 119, Acts of the Regular Session, 47th Legislature, by changing the provisions regarding the Water Control and Improvement Districts to which said Act applies, and adding a new section to be designated Section 17a, permitting the surrender of districts' bonds in certain circumstances, and declaring an emergency."

S. B. No. 272, A bill to be entitled "An Act validating certain sales and conveyances, or attempted sales and conveyances, of county lands, and interests in county lands, under certain conditions therein described; provided more than three years have elapsed since the date of such sale or attempted sale; and provided that this Act shall not apply to any sale or conveyance, the validity of which is involved in any litigation pending at the time this Act becomes effective; and providing that this Act shall not be construed as validating any sale, or attempted sale, of lands of any county held for educational purposes made in any other manner than is directed by law; and declaring an emergency."

S. B. No. 378, A bill to be entitled "An Act amending Section 6 of Chapter 139, House Bill No. 623, Acts 50th Legislature, R. S., 1947, so as to provide for the organization of the Battleship Texas Commission and certain conditions relating thereto; authorizing and directing the Board of Control to cooperate with the Commission; etc., and declaring an emergency."

S. B. No. 360, A bill to be entitled "An Act creating a Conservation District under Article XVI, Section 59, of the Constitution, comprising the territory contained within city of Roby of Fisher County, Texas, to be known as Fisher County Water Authority, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same, etc.; and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act regulating the taking and killing of deer in Bowie, Cass and Marion Counties; providing open and

closed seasons; providing a penalty for violation of this Act; and declaring an emergency."

S. B. No. 318, A bill to be entitled "An Act regulating the taking and killing of deer in Bowie, Cass, Harrison and Marion Counties; providing open and closed seasons; regulating the use of firearms in Marion County; providing penalties for violation of this Act; and declaring an emergency."

S. B. No. 121, A bill to be entitled "An Act amending the Lower Colorado River Authority Act, Chapter 7, Senate Bill No. 2, Acts of the Fourth Called Session of the Forty-third Legislature and the amendments thereto, and particularly by amending Section 3 and Section 3a of said Act so as to provide for a Board of Directors of twelve members and providing the number to constitute a quorum of the Board; and the number of affirmative votes required to do certain acts, and providing that all such directors shall be appointed by the Governor with the advice and consent of the Senate; providing further that of the Board of twelve (12) directors at least ten (10) directors shall at all times be resident citizens of the counties named in Section 1 of said Act; providing that present directors shall continue in office until their terms expire, and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act making the 134th Judicial District Court of Dallas County, Texas, a permanent constitutional district court; activating and confirming the criminal jurisdiction of said court co-extensive with the limits of Dallas County, Texas; providing for the term of office of the Judge of said Court; and declaring an emergency."

H. B. No. 145, A bill to be entitled "An Act amending Section 23 of Acts 1947, 50th Legislature, page 550, Chapter 325, relating to Firemen's and Policemen's Civil Service in cities over 10,000, etc.; and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act to authorize the issuance of licenses to Practical Nurses in this State by a Board of Practical Nurse Examiners; defining terms; prohibiting practicing as a Licensed Practical Nurse without a license; allowing certain exceptions; creating a Board of

Practical Nurse Examiners and providing terms of office and qualifications for same; providing for the filling of vacancies on said Board; designating officers of the Board and prescribing duties; providing for Visiting Secretary; designating time of meetings by the Board; providing for holding of examinations and issuance of licenses for Practical Nurses; etc., and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to amend Sections 6, 9, 14, 15 and 16 of Chapter 93, Acts of the Regular Session, Fifty-first Legislature, which creates the Texas Citrus Commission. Such amendments change Subsection (2) of said Section 9 and add to Section 9 two new subsections numbered (8) and (9) and provide methods for the better enforcement of said Act and the rules and regulations issued thereunder; and declaring an emergency."

H. B. No. 104, A bill to be entitled "An Act to amend Sections 8 and 12 of Senate Bill 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

#### Senate Resolution 178

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the Senate, Richardson G. Scurry, Jr., a student of St. Mark's School of Texas in Dallas, and great-grandson of Richardson Scurry, who was the first Secretary of the First Congress of the Republic of Texas in 1836; and

Whereas, This young man is on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That Richardson G. Scurry, Jr., be officially welcomed and recognized by the Senate, and that he be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### House Concurrent Resolution 67 on Second Reading

The President laid before the Senate and directed the Secretary to read the following resolution:

H. C. R. No. 67, Suspending Joint

Rules of both Houses in order to consider S. B. No. 12.

The resolution was read.

On motion of Senator Colson and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Bills on First Reading

The following bills received from the House were read first time, and were referred to the committees indicated:

H. B. No. 700, to Committee on Rules.

H. B. No. 560, to Committee on Rules.

H. J. R. No. 3, to Committee on Constitutional Amendments.

H. C. R. No. 54, to Committee on State Affairs.

H. C. R. No. 45, to Committee on Civil Jurisprudence.

H. B. No. 740, to Committee on Public Lands and Land Office.

H. B. No. 719, to Committee on Towns and City Corporations.

H. B. No. 717, to Committee on State Affairs.

H. B. No. 716, to Committee on Civil Jurisprudence.

H. B. No. 713, to Committee on Banking.

H. B. No. 712, to Committee on Game and Fish.

H. B. No. 710, to Committee on Education.

H. B. No. 708, to Committee on Civil Jurisprudence.

H. B. No. 707, to Committee on Civil Jurisprudence.

H. B. No. 705, to Committee on Game and Fish.

H. B. No. 696, to Committee on Game and Fish.

H. B. No. 695, to Committee on State Affairs.

H. B. No. 693, to Committee on State Affairs.

H. B. No. 683, to Committee on Towns and City Corporations.

H. B. No. 672, to Committee on Public Health.

H. B. No. 655, to Committee on State Affairs.

H. B. No. 649, to Committee on Civil Jurisprudence.

H. B. No. 648, to Committee on Insurance.

H. B. No. 647, to Committee on Military and Veterans Affairs.

H. B. No. 618, to Committee on Towns and City Corporations.

H. B. No. 612, to Committee on Civil Jurisprudence.

H. B. No. 611, to Committee on Towns and City Corporations.

H. B. No. 610, to Committee on Civil Jurisprudence.

H. B. No. 599, to Committee on State Affairs.

H. B. No. 589, to Committee on Civil Jurisprudence.

H. B. No. 651, to Committee on Military and Veterans Affairs.

H. B. No. 721, to Committee on Military and Veterans Affairs.

H. B. No. 579, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 540, to Committee on State Affairs.

H. B. No. 546, to Committee on State Affairs.

H. B. No. 558, to Committee on State Affairs.

H. B. No. 576, to Committee on Civil Jurisprudence.

H. B. No. 487, to Committee on Civil Jurisprudence.

H. B. No. 533, to Committee on State Affairs.

H. B. No. 539, to Committee on Criminal Jurisprudence.

H. B. No. 485, to Committee on Water Rights, Irrigation, and Drainage.

H. B. No. 468, to Committee on Educational Affairs.

H. B. No. 298, to Committee on State Affairs.

H. B. No. 369, to Committee on Criminal Jurisprudence.

H. B. No. 378, to Committee on Educational Affairs.

H. B. No. 339, to Committee on Oil, Gas and Conservation.

H. B. No. 368, to Committee on Criminal Jurisprudence.

H. B. No. 377, to Committee on State Affairs.

H. B. No. 383, to Committee on Counties and County Boundaries.

H. B. No. 392, to Committee on Judicial Districts.

H. B. No. 395, to Committee on State Affairs.

H. B. No. 413, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 429, to Committee on State Affairs.

H. B. No. 461, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 430, to Committee on State Affairs.

H. B. No. 431, to Committee on Game and Fish.

H. B. No. 440, to Committee on State Affairs.

H. B. No. 456, to Committee on State Affairs.

H. B. No. 236, to Committee on Educational Affairs.

H. B. No. 227, to Committee on Towns and City Corporations.

H. B. No. 148, to Committee on Towns and City Corporations.

H. B. No. 173, to Committee on Insurance.

H. B. No. 196, to Committee on Civil Jurisprudence.

H. B. No. 201, to Committee on Criminal Jurisprudence.

H. B. No. 220, to Committee on State Affairs.

H. B. No. 124, to Committee on Game and Fish.

H. B. No. 31, to Committee on Criminal Jurisprudence.

H. B. No. 113, to Committee on Civil Jurisprudence.

**House Concurrent Resolution 68 on Second Reading**

The President laid before the Senate and directed the Secretary to read the following resolution:

H. C. R. No. 68, Honoring Judge C. V. Terrell on his ninetieth birthday.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

**Conference Committee Report on House Bill 11**

Senator Bullock submitted the following Conference Committee report on House Bill No. 11:

Austin, Texas,  
April 19, 1951.

Hon. Ben Ramsey, President of the Senate;

Hon. Reuben E. Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and House of Representatives on H. B. 11, have met and had same under consideration and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BULLOCK  
HUDSON  
HARDEMAN  
WEINERT

On the part of the Senate.

LINDSEY  
BUCHANAN  
SHERMAN

On the part of the House.

H. B. No. 11, A bill to be entitled "An Act to amend Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature; repealing

all laws and parts of laws in conflict herewith to the extent of such conflict only; declaring the provisions of this Act to be severable; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. That Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature, be and the same is hereby amended so as to read hereafter as follows:

"Section 6. Any license and weight inspector of the Department of Public Safety, any highway patrolman or any sheriff or his duly authorized deputy, having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of portable or stationary scales furnished or approved by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales for the purpose of weighing. In the event the gross weight of such vehicle be found to exceed the maximum gross weight authorized by law, plus a tolerance allowance of five (5) per cent of the gross weight authorized by law, such license and weight inspector, highway patrolman, sheriff or his duly authorized deputy, shall demand and require the operator or owner of such motor vehicle to unload such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum authorized by law plus such tolerance allowance. Such operator or owner shall forthwith unload such vehicle to the extent necessary to reduce the gross weight thereof to such lawful maximum and such vehicle may not be operated further over the public highways or roads of the State of Texas until the gross weight of such vehicle has been reduced to a weight not in excess of the maximum limit plus such tolerance allowance. In the event the axle load of any such vehicle be found to exceed the maximum authorized by law, plus a tolerance allowance of five (5) per cent of the axle load authorized by law, such officer shall demand and require the operator or owner thereof to rearrange his cargo, if possible, to bring such vehicle and load within the

maximum axle load authorized by law, and if this cannot be done by rearrangement of said cargo, then such portion of the load as may be necessary to decrease the axle load to the maximum authorized by law plus such tolerance allowance shall be unloaded before such vehicle may be operated further over the public highways or roads of the State of Texas. Provided, however, that if such load consists of livestock, then such operator shall be permitted to proceed to destination without being weighed, provided destination be within the State of Texas.

"Section 2. Any combination of commercial motor vehicles not exceeding 45 feet in length consisting of a truck tractor and tank semi-trailer, the semi-trailer of which is used for the transportation of liquids in bulk, which were registered with the State Highway Department to operate over the public highways of Texas during the calendar year of 1950 and in 1951 prior to March 31, 1951, are exempted from the unloading provisions of this Act for a period of six months from the effective date of this Act, provided no single axle shall carry a load in excess of 18,000 pounds and no tandem axle shall carry a load in excess of 32,000 pounds.

"Section 3. The officers named herein are the only officers authorized to enforce the provisions of this Act.

"Section 4(a). It shall be unlawful for any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act, to accept or agree to accept any gift, emolument, money or thing of value, privilege or the promise of either, from any person, firm, corporation, association, partnership, or the officers, agents, servants, or employees thereof as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provisions of this section shall be guilty of a felony and upon conviction shall be punished as provided in Article 159, Penal Code of Texas.

"Section 4(b). It shall be unlawful for any person, firm, corporation, association, partnership, or the officers, agents, servants or employees thereof, to give, or offer to give or promise to give to any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act, any gift, emolument, money or thing of value, privilege, or the

promise of either, as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provisions of this section shall be guilty of a felony and upon conviction shall be punished as provided in Article 158, Penal Code of Texas.

"Provided, however, if a corporation shall be convicted of a violation of any of the provisions of this section the penalty shall be a fine of not less than \$100.00 nor more than \$5,000.00 for each such offense.

"Section 4(c). The inhibitions in Sections 4(a) and 4(b) above shall not apply to the regular compensation paid to such persons or officers by the state or a county of this state.

"Section 5. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only."

Section 6. If any portion, provision, section, sentence, clause or phrase of this Act, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portions of this Act or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Legislature of the State of Texas in adopting this Act, that no portion thereof or provision or sentence, clause or phrase contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, sentence, clause or phrase, and to this end all provisions of this Act are declared to be severable.

Section 7. The fact that many motor vehicles are being operated over the Texas highways in violation of the gross weight and axle loads permitted by law; that the highways of Texas are being damaged or destroyed thereby; that the safety of other motorists on the highways is being endangered; and that this Act is necessary to take the profit out of overloading; create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Senator Bullock moved the adoption of the Conference Committee Report on H. B. No. 11.

Senator Carney moved that the report be printed in the Journal and that further consideration of the report be postponed until Thursday of this week.

Senator Bullock moved to table the motion by Senator Carney.

The motion to table was lost by the following vote:

#### Yeas—11

Bracewell	McDonald
Bullock	Parkhouse
Carter	Phillips
Hudson	Wagonseller
Kelly of Tarrant	Weinert
Martin	

#### Nays—17

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Carney	Moffett
Colson	Russell
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hazlewood	

#### Absent

Moore	Shofner
Nokes	

Question recurring on the motion of Senator Carney that the report be printed in the Journal and that further consideration of the report be postponed until Thursday of this week, the motion prevailed.

#### Address of General Douglas MacArthur before National Congress

The address delivered by General Douglas MacArthur to the National Congress on April 19, 1951, as ordered printed in the Journal, is given below:

WASHINGTON, April 19. (AP)—A transcript of Gen. Douglas MacArthur's address to Congress follows:

Mr. President, Mr. Speaker and distinguished members of the Congress: I stand on this rostrum with a sense of deep humility and pride—humility in the weight of those great architects of our history who have stood here before me, pride in the reflection that this home of legislative debate represents human liberty in the purest form yet devised.

Here are centered the hopes and aspirations and faith of the entire human race.

I do not stand here as advocate for any partisan cause, for the issues are fundamental and reach quite beyond the realm of partisan considerations. They must be resolved on the highest plane of national interest if our course is to prove sound and our future protected.

I trust, therefore, that you will do me the justice of receiving that which I have to say as solely expressing the considered viewpoint of a fellow American.

I address you with neither rancor nor bitterness in the fading twilight of life, with but one purpose in mind: To serve my country.

The issues are global, and so interlocked that to consider the problems of one sector oblivious to those of another is to court disaster for the whole. While Asia is commonly referred to as the gateway to Europe, it is no less true that Europe is the gateway to Asia, and the broad influence of the one cannot fail to have its impact upon the other. There are those who claim our strength is inadequate to protect on both fronts, that we cannot divide our effort. I can think of no greater expression of defeatism.

If a potential enemy can divide his strength on two fronts, it is for us to counter his effort. The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

Beyond pointing out these general truisms, I shall confine my discussion to the general areas of Asia.

Before one may objectively assess the situation now existing there, he must comprehend something of Asia's past and the revolutionary changes which have marked her course up to the present. Long exploited by the so-called colonial powers, with little opportunity to achieve any degree of social justice, individual dignity or a higher standard of life such as guided our own noble administration in the Philippines, the people of Asia found their opportunity in the war just past to throw off the shackles of colonialism and now see the dawn of new opportunity, and heretofore unfelt dig-

nitv. and the self-respect of political freedom.

Mustering half of the earth's population, and 60 per cent of its natural resources, these people are rapidly consolidating a new force, both moral and material, with which to raise the living standard and erect adaptations of the design of modern progress to their own distinct cultural environments.

Whether one adheres to the concept of colonization or not, this is the direction of Asian progress and it may not be stopped. It is a corollary to the shift of the world economic frontiers as the whole epicenter of world affairs rotates back toward the area whence it started.

In this situation, it becomes vital that our own country orient its policies in consonance with this basic evolutionary condition rather than pursue a course blind to reality that the colonial era is now past and the Asian peoples covet the right to shape their own free destiny. What they seek now is friendly guidance, understanding and support, not imperious direction, the dignity of equality and not the shame of subjugation.

Their prewar standard of life, pitifully low, is infinitely lower now in the devastation left in war's wake. World ideologies play little part in Asian thinking and are little understood.

What the people strive for is the opportunity for a little more food in their stomachs, a little better clothing on their backs and a little firmer roof over their heads, and the realization of the normal nationalist urge for political freedom.

These political-social conditions have but an indirect bearing upon our own national security, but do form a backdrop to contemporary planning which must be thoughtfully considered if we are to avoid the pitfalls of unrealism.

Of more direct and immediate bearing upon our national security are the changes wrought in the strategic potential of the Pacific Ocean in the course of the past war.

Prior thereto the western strategic frontier of the United States lay on the literal line of the Americas, with an exposed island salient extending out through Hawaii, Midway and Guam to the Philippines. That salient proved not an outpost of strength but an avenue of weakness along which the enemy could and did attack. The Pacific was a potential area of advance

for any predatory force intent upon striking at the bordering land areas.

All this was changed by our Pacific victory. Our strategic frontier then shifted to embrace the entire Pacific Ocean, which became a vast moat to protect us as long as we hold it. Indeed, it acts as a protective shield for all of the Americas and all free lands of the Pacific Ocean area. We control it to the shores of Asia by a chain of islands extending in an arc from the Aleutians to the Marianas, held by us and our free Allies.

From this island chain we can dominate with sea and air power every Asiatic port from Vladivostok to Singapore and prevent any hostile movement into the Pacific.

Any predatory attack from Asia must be an amphibious effort. No amphibious force can be successful without control of the sea lanes and the air over those lanes in its avenue of advance. With naval and air supremacy and modest ground elements to defend bases, any major attack from continental Asia toward us or our friends in the Pacific would be doomed to failure.

Under such conditions, the Pacific no longer represents menacing avenues of approach for a prospective invader. It assumes, instead, the friendly aspect of a peaceful lake.

Our line of defense is a natural one and can be maintained with a minimum of military effort and expense. It envisions no attack against anyone, nor does it provide the bastions essential for the offensive operations, but properly maintained, would be an invincible defense against aggression.

The holding of this defense line in the Western Pacific is entirely dependent upon holding all segments thereof, for any major breach of that line by an unfriendly power would render vulnerable to determined attack every other major segment. This is a military estimate as to which I have yet to find a military leader who will take exception.

For that reason, I have strongly recommended in the past, as a matter of military urgency, that under no circumstances must Formosa fall under Communist control. But an eventuality would at once threaten the freedom of the Philippines and the loss of Japan. It might well force our western frontier back to the coast of California, Oregon and Washington.



To understand the changes which now appear upon the Chinese mainland, one must understand the changes in Chinese character and culture over the past fifty years. China up to fifty years ago was completely nonhomogeneous, being compartmented into groups divided against each other. The war-making tendency was almost nonexistent as they still followed the tenets of the Confucian ideal of pacifist culture.

At the turn of the century under the regime of Chang Tso-Ling efforts for greater homogeneity produced the start of a Nationalist urge. This was further and more successfully developed under the leadership of Chiang Kai-shek, but has been brought to its greatest fruition under the present regime to the point that it has now taken on the character of a united Nationalism of increasingly dominant aggressive tendencies.

Through the past fifty years the Chinese people have thus become militarized in their concepts and in their ideals. They now constitute excellent soldiers, with competent staffs and commanders. This has produced a new and dominant power in Asia, which, for its own purposes, is allied with Soviet Russia but which in its own concepts and methods has become aggressively imperialistic, with a lust for expansion and increased power normal to this type of imperialism.

There is little of the ideological concept either one way or another in the Chinese make-up. The standard of living is so low and the capital accumulation has been so thoroughly dissipated by war that the masses are desperate and eager to follow any leadership which seems to promise the alleviation of woeful stringencies.

I have from the beginning believed that the Chinese Communists' support of the North Koreans was the dominant one. Their interests are at present parallel with those of the Soviet, but I believe that the aggressiveness recently displayed not only in Korea but also in Indo-China and Tibet and pointing potentially toward the south reflects predominantly the same lust for the expansion of power which has animated every would-be conqueror since the beginning of time.

The Japanese people since the war have undergone the greatest reformation recorded in modern history. With a commendable will, eagerness to learn, and marked capacity to understand, they have from the ashes left

in war's wake erected in Japan an edifice dedicated to the supremacy of individual liberty and personal dignity, and in the ensuing process there has been created a truly representative government committed to the advance of political morality, freedom of economic enterprise, and social justice.

Politically, economically, and socially Japan is now abreast of many free nations of the earth and will not again fail the universal trust. That it may be counted upon to wield a profoundly beneficial influence over the course of events in Asia is attested by the magnificent manner in which the Japanese people have met the recent challenge of war, unrest and confusion surrounding them from the outside and checked Communism within their own frontiers without the slightest slackening in their forward progress.

I sent all four of our occupation divisions to the Korean battlefield without the slightest qualms as to the effect of the resulting power vacuum upon Japan. The results fully justified my faith.

I know of no nation more serene, orderly and industrious, nor in which higher hopes can be entertained for future constructive service in the advance of the human race.

Of our former ward, the Philippines, we can look forward in confidence that the existing unrest will be corrected and a strong and healthy nation will grow in the longer aftermath of the war's terrible destructiveness. We must be patient and understanding and never fail them, as in our hour of need they did not fail us.

A Christian nation, the Philippines stands as a mighty bulwark of Christianity in the Far East, and its capacity for high moral leadership in Asia is unlimited.

On Formosa, the government of the Republic of China has had the opportunity to refute by action much of the malicious gossip which so undermined the strength of its leadership on the Chinese mainland. The Formosan people are receiving a just and enlightened administration with majority representation in the organs of government, and politically, economically and socially they appear to be advancing along sound and constructive lines.

With this brief insight into the surrounding areas, I now turn to the Korean conflict.

While I was not consulted prior to the President's decision to intervene in support of the Republic of Korea, that decision, from a military standpoint, proved a sound one, as we hurled back the invader and decimated his forces. Our victory was complete, and our objectives within reach, when Red China intervened with numerically superior ground forces.

This created a new war and an entirely new situation, a situation not contemplated when our forces were committed against the North Korean invaders; a situation which called for new decisions in the diplomatic sphere to permit the realistic adjustment of military strategy. Such decisions have not been forthcoming.

While no man in his right mind would advocate sending our ground forces into continental China, and such was never given thought, the new situation did urgently demand a drastic revision of strategic planning if our political aim was to defeat this new enemy as we had defeated the old one.

Apart from the military need, as I saw it, to neutralize sanctuary protection given the enemy north of the Yalu, I felt that military necessity in the conduct of the war made necessary (1) the intensification of our economic blockade against China, (2) the imposition of a naval blockade against the China coast, (3) removal of restrictions on air reconnaissance of China's coastal area and of Manchuria, (4) removal of restrictions on the forces of the Republic of China on Formosa, with logistical support to contribute to their effective operations against the Chinese mainland.

For entertaining these views, all professionally designed to support our forces in Korea and to bring hostilities to an end with the least possible delay and at a saving of countless American and Allied lives, I have been severely criticized in lay circles, principally abroad, despite my understanding that from a military standpoint the above views have been fully shared in the past by practically every military leader concerned with the Korean campaign, including our own Joint Chiefs of Staff.

I called for reinforcements, but was informed that reinforcements were not available. I made clear that if not permitted to destroy the enemy built-up bases north of the Yalu, if not permitted to utilize the friendly Chinese force of some 600,000 men on

Formosa, if not permitted to blockade the China coast to prevent the Chinese Reds from getting succor from without, and if there was to be no hope of major reinforcements, the position of the command from the military standpoint forbade victory.

We could hold in Korea by constant maneuver and in an area where our supply line advantages were in balance with the supply line disadvantages of the enemy, but we could hope at best for only an indecisive campaign with its terrible and constant attrition upon our forces if the enemy utilized its full military potential.

I have constantly called for the new political decisions essential to a solution.

Efforts have been made to distort my position. It has been said in effect that I was a warmonger. Nothing could be further from the truth.

I know war as few other men now living know it, and nothing to me is more revolting. I have advocated its complete abolition, as its very destructiveness on both friend and foe has rendered its useless as a means of settling international disputes.

Indeed, the second day of September, 1945, just following the surrender of the Japanese nation on the battleship Missouri, I formally cautioned as follows:

"Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found in so far as individual citizens were concerned, but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blocks out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, our Armageddon will be at our door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advances in science, art, literature and all the material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh."

But once war is forced upon us,

there is no other alternative than to apply every available means to bring it to a swift end. War's very object is victory, not prolonged indecision.

In war indeed there can be no substitute for victory.

There are some who for varying reasons would appease Red China. They are blind to history's clear lesson, for history teaches with unmistakable emphasis that appeasement but begets new and bloodier wars. It points to no single instance where this end has justified that means, where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands until, as in blackmail, violence becomes the only other alternative. Why, my soldiers asked me, surrender military advantages to an enemy in the field? I could not answer.

Some may say to avoid spread of the conflict into an all-out war with China. Others, to avoid Soviet intervention. Neither explanation seems valid, for China is already engaging with the maximum power it can commit, and the Soviet will not necessarily mesh its actions with our moves. Like a cobra, any new enemy will more likely strike whenever it feels that the relativity of military and other potentialities is in its favor on a world-wide basis.

The tragedy of Korea is further heightened by the fact that its military action was confined to its territorial limits. It condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment while the enemy's sanctuaries are fully protected from such attack and devastation.

Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against Communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery. Their last words to me were: "Don't scuttle the Pacific."

I have just left your fighting sons in Korea. They have done their best there, and I can report to you without reservation that they are splendid in every way.

It was my constant effort to preserve them and end this savage conflict honorably and with the least loss of time and a minimum sacrifice of life. Its growing bloodshed has caused

me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and in my prayers always.

I am closing my fifty-two years of military service. When I joined the Army, even before the turn of the century, it was the fulfillment of all my boyish hopes and dreams. The world has turned over many times since I took the oath at West Point, and the hopes and dreams have all since vanished, but I still remember the refrain of one of the most popular barracks ballads of that day which proclaimed most proudly that old soldiers never die—they just fade away. And like the old soldier of that ballad, I now close my military career and just fade away, an old soldier who tried to do his duty as God gave him the light to see that duty. Good-by.

#### Adjournment

On motion of Senator Hudson, the Senate at 12:45 o'clock p.m. adjourned until 10:30 o'clock tomorrow.

#### FIFTY-EIGHTH DAY

(Tuesday, April 24, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Vick

#### Absent—Excused

Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.